

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

CITY OF DETROIT, MICHIGAN,

Debtor.

_____ /

GLORIA D. JONES,

Appellant,

vs.

CITY OF DETROIT, MICHIGAN,

Appellee.

_____ /

Civil Action No. 14-CV-14020
HON. BERNARD A. FRIEDMAN

Bankr. No. 13-15346 (Chapter 9)
HON. STEVEN W. RHODES

**ORDER GRANTING PLAINTIFF'S APPLICATION TO
PROCEED IN FORMA PAUPERIS AND DISMISSING THE APPEAL**

This bankruptcy appeal is presently before the Court on plaintiff's application to proceed in forma pauperis. For the following reasons, the Court shall (1) grant the application and therefore allow the notice of appeal to be filed without prepayment of the filing fee, and (2) dismiss the appeal because it is frivolous.

Pursuant to 28 U.S.C. § 1915(a)(1), the Court may permit a person to commence a lawsuit or proceed with an appeal without prepaying the filing fee, provided the person submits an affidavit demonstrating that he/she "is unable to pay such fees or give security therefor." In the present case, appellant's application to proceed in forma pauperis makes the required showing of indigence. The Court shall therefore grant the application and permit the notice of appeal to be filed without requiring appellant to prepay the filing fee.

Pro se pleadings are held to "less stringent standards" than those drafted by lawyers.

Haines v. Kerner, 404 U.S. 519, 520 (1972). Nonetheless, “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). The appeal in the present case is not taken in good faith because the Court lacks appellate jurisdiction and because the appeal is clearly frivolous, that is, “it lacks an arguable basis either in law or in fact,” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). As to jurisdiction, the notice of appeal indicates appellant seeks to appeal from the bankruptcy court’s orders denying her motion to participate in the confirmation hearing, her amended motion to participate in the confirmation hearing, and her “motion for reconsideration of courts failure to answer questions not answered.” These orders are not appealable final or interlocutory orders under 28 U.S.C. § 158(a). As to frivolousness, appellant’s 63-page brief [docket entry 4] is an incoherent rant that states no issues and makes no intelligible argument. Accordingly,

IT IS ORDERED that appellant’s application for leave to proceed in forma pauperis is granted. The notice of appeal is docketed and the filing fee need not be prepaid.

IT IS FURTHER ORDERED that the appeal is dismissed pursuant to 28 U.S.C. § 1915(a)(3).

Dated: November 20, 2014
Detroit, Michigan

S/ Bernard A. Friedman _____
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE